

JOURNAL OF THE HOUSE.

Thursday, September 3, 2015.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Linda Alger.

Resolutions (filed by Representatives Poirier of North Attleborough and Heroux of Attleboro) congratulating Linda Alger on her retirement after thirty years of service to the city of Attleboro;

David Hillman.

Resolutions (filed by Ms. Hogan of Stow) congratulating David Hillman on the occasion of his retirement from the Maynard Fire Department;

William Soar III.

Resolutions (filed by Ms. Hogan of Stow) congratulating William Soar III on the occasion of his retirement from the Maynard Fire Department;

James Comeau.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating James Stephen Comeau on receiving the Eagle Award of the Boy Scouts of America; and

Holland,— church.

Resolutions (filed by Mr. Smola of Warren) congratulating the Holland Congregational Church on the occasion of its two hundred and fiftieth anniversary;

Mr. Galvin of Canton, for the committee on Rules, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Ms. Barber of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

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Transportation authority,— service and procurement contracts.

From the Massachusetts Bay Transportation Authority, in conjunction with the Massachusetts Department of Transportation (see Section 196(b) of Chapter 46 of the Acts of 2015) detailing the number of service contracts and procurement contracts executed by or on behalf of the said authority since July 1, 2015 [copies of the report were forwarded to the House committee on Ways and Means and the joint committee on Transportation, as required by said law];

Capital Resource Company.

From the Massachusetts Capital Resource Company (see Section 12 of Chapter 816 of the Acts of 1977) submitting an annual report describing the formation and current status of said company [a copy was forwarded to the Speaker of the House, as required by said law]; and

From the Massachusetts Department of Transportation (see Section 65 of Chapter 46 of the Acts of 2013) submitting a report containing the department's findings from the review of the current status of the use of rights-of-way in the state highway system, the turnpike and the metropolitan highway system and the study on utility reimbursement mechanisms;

Turnpike and highways,—rights-of-ways.

Severally were placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Harrington of Groton, a petition (accompanied by bill, House, No. 3748) of Sheila C. Harrington (by vote of the town) that the town of Townsend be authorized to convey two parcels of land to the Department of Fish and Game. To the committee on Environment, Natural Resources and Agriculture.

Townsend,—land.

By Representative Pignatelli of Lenox and Senator Downing, a joint petition (accompanied by bill, House, No. 3749) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) that the town Sheffield be authorized to appoint associate members to the conservation commission of said town for terms not to exceed one year. To the committee on Municipalities and Regional Government.

Sheffield,—conservation commission.

Severally sent to the Senate for concurrence.

Messrs. Walsh of Framingham and Sannicandro of Ashland presented a petition (subject to Joint Rule 12) of Chris Walsh and others relative the cost paid by the Commonwealth for Memorial Day flags placed on veterans' graves; and the same was referred, under Rule 24, to the committee on Rules.

Veterans' graves,—flags.

Papers from the Senate.

A Bill relative to the granting of licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Rockport (Senate, No. 46, amended by striking out of section 2 and inserting in place thereof the following section:

Rockport,—liquor licenses.

“SECTION 2. Notwithstanding section 1 of chapter 470 of the acts of 2004, year-round and seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises of restaurants issued or to be issued pursuant to said section 1 of said chapter 470 shall not be subject to the restriction imposed by said section 1 of said chapter 470 that requires service only to patrons of restaurants who are seated at tables or on stools for the consumption of meals.”) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A petition (accompanied by bill) of Anne M. Gobi and Brian M. Ashe for legislation to establish a sick leave bank for Maureen Table, an employee of the Massachusetts Department of Developmental Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Maureen Table,—sick leave.

Maureen
Table,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2006) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Achieving a
better life
experience
accounts.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Garrett J. Bradley, Barbara L'Italien and Timothy R. Madden relative to ABLE accounts. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children, Families and Persons with Disabilities. Sent to the Senate for concurrence.

Discrimina-
tion,—
height and
weight.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill making discrimination on the basis of height and weight unlawful (House, No. 1764),— and recommending that the same be referred to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in so much as relates to the reference.

Philippe
Fauche,—
sick leave.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Philippe Fauche, an employee of the Department of Mental Health (House, No. 3721).

Robert
Aubrey,—
sick leave.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Robert Aubrey, an employee of the Massachusetts Department of Transportation (House, No. 3723).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. Kafka of Stoughton, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Emergency Measure.

Paula
Campbell,—
sick leave.

The engrossed Bill establishing a sick leave bank for Paula Campbell, an employee of the Trial Court (see House, No. 3652, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Jeremy Bray, an employee of the Department of Correction (see House, No. 3657, amended), in respect to which the Senate had concurred in adoption of the emergency preamble (which had been returned to the House by His Excellency the Governor with recommendation of amendment), was passed to be re-enacted; in its amended form; and it was signed by the acting Speaker and sent to the Senate. Bill re-enacted.

The engrossed Bill validating the actions taken at an annual town meeting and election held in the town of Essex (see House bill printed in House, No. 3559) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill authorizing the retirement board of the city of Westfield to grant a superannuation retirement benefit to Lynda Cavanaugh (see Senate, No. 1920) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Id.

Orders of the Day.

The Senate Bill authorizing the town of Ipswich to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 1948, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Ipswich,—alcoholic beverages.

The House Bill authorizing the city of Melrose to issue licenses for the sale of alcoholic beverages to be drunk on the premises to table-service restaurants and function rooms with a minimum seating capacity (House, No. 3713) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time. Melrose,—alcoholic beverages.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out sections 1, 2 and 3 and inserting in place thereof the following three sections:

“SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the city of Melrose may issue: (i) licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to table-service restaurants and function rooms having a seating capacity of not less than 50 persons; and (ii) licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 to table-service restaurants and function rooms having a seating capacity of not less than 25 persons.

Melrose,—
alcoholic
beverages.

SECTION 2. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the total number of licenses that the licensing authority for the city of Melrose may issue for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 shall be limited to 14.

SECTION 3. Notwithstanding section 17 of chapter 138 of the General Laws to the contrary, or any other general or special law to the contrary, the total number of licenses that the licensing authority for the city of Melrose may issue for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138 shall be limited to 6.”.

The amendment was adopted; and the bill (House, No. 3713, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Marian
Grant,—
sick leave.

The House Bill establishing a sick leave bank for Marian Grant, an employee of the Trial Court (House, No. 3743) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 3751), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at six minutes before twelve o'clock, the House was called to order by Mr. Donato.

Paper from the Senate.

Plainville,—
Dean M.
Casbarra.

The House Bill relative to the appointment of firefighters in the town of Plainville (House, No. 3574), came from the Senate passed to be engrossed, in concurrence with amendments striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law to the contrary, the personnel administrator of the human resources division shall certify Dean M. Casbarra to be eligible for original appointment to the position of firefighter in the town of Plainville according to the grade he received on the examination for firefighter held in April 2014, notwithstanding the maximum age requirement for that position. If Dean M. Casbarra meets all other requirements for certification as a firefighter, the town of Plainville may appoint him to that position.

SECTION 2. This act shall take effect upon its passage.”; and striking out the title and inserting in place thereof the following title: “An Act authorizing the appointment of Dean M. Casbarra as a firefighter in the town of Plainville notwithstanding the maximum age requirement.”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were adopted, in concurrence.

Engrossed Bill.

The engrossed Bill authorizing the appointment of Dean M. Casbarra as a firefighter in the town of Plainville notwithstanding the maximum age requirement (see House, No. 3574, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M. Next sitting.

At a quarter after twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.